FOR MYSORE STATE

(195) Department.

195

Encl 47422 M/55 **SERIES.**

G.O. No.

Dated

[Despatch Abstract.]

Copy of petition dated 2-6-55. From M. Kanthappa, Upper Division Clerk, Divisional Engineer's Office (H) Mangalore. To The Secretary to Government, Public Works Department, Fort St. George, Madras.

Sub: Establishment - Highways Department - District Board Clerks absorbed in the Highways Department - Sri M.Kanthappa - Upper Division Clerk - refixation of pay etc. - regarding.

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I beg to submit the following facts for your kind consideration and early orders.

2. I was working as a clerk under the South Kanara District Board till 31-3-1946 and on the formation of the Highways Department on 1-4-1946, I was absorbed in Government service in the Highways Department with effect from that date.

3. In their order No.4415 dated 30-11-50, the Government directed that such of the Lower Division Clerks as had entered the District Board service and were holders of completed S.S.L.C.s prior to the issue of G.O.Ms.965 Public dated 16-11-26, be treated as qualified for promotion to the posts of Upper Division Clerks, in the Highways Department and has also ordered that it would have retrospective effect from 1-4-1946. In pursuance of this G.O; I was promoted as Upper Divison Clerk in the Highways Department with effect from 28-4-1952 A.N. My appointment in the category of Upper Division Clerk was also regularised by the Superintending Engineer (H) Coimbatore with effect from the date of my promotion. According to the G.O. quoted above, which will have retrospective effect from 1-4-1946, I should be deemed to have been promoted as Upper Divsion clerk from 1-4-1946 and my pay in the Upper Division scale refixed accordingly.

4. But, to my great misfortune, my pay has not been refixed and the annul increments due to me at least from 28-4-53 have not been sanctioned so far. As early as 7-6-53, I had applied to the Division Engineer (H) Mangalore, to kindly sanction the increments due to me from 28-4-53. The increment was neither sanctioned yet, nor was I given at least a reply in the matter. Ever since my promotion, I have been drawing only the minimum pay of Rs.80/- p.m. Later, I was given to understand the pay of those clerks who were promoted as Upper Divison Clerks as per G.O.Ms. 4415 dated 30-10-1950, and that, as my case came within the purview of that G.O., my service register and S.S.L.C. books were submitted to Chief Engineer (H) in 1952. As no orders were received from the Department even after waiting for nearly 2 years and thinking that the matter was still pending with the Chief Engineer (H) requesting to deal with the matter expeditiously. It has to be specially mentioned here that it was brought to the notice of the Chief Engineer (H) that I was to retire from service on 7-6-1955, i.e. within 4 months from then, that, as per rules, gratuity application has to be submitted 6 months before my retirement. I have also requested the Chief Engineer (H) to return my service Register promptly after the refixation of pay so that the Divisional Engineer (H) may be enabled to sanction the increments due to me least there should be delay also in sanctioning my gratuity. Having received no orders for the above representation, and as the date of my retirement was fast approaching and also as I found after my retirement I had nothing to fall back upon to maintain myself and my large family consisting of my wife and nine children, except the paltry sum of gratuity and also a meagre amount of P.F., I was forced to remind the Chief Engineer (H) in my petition dated 25-3-55. Copies of my petitions dated 4-2-55 and 25-3-55 which are enclosed herewith for favour of reference, will speak well on my behalf and the reptition here of the facts mentioned therein would be superflous.

p.t.o.

In addition to my petitions addressed to the Chief Engineer (H) Madras as aforesaid, I addressed Superintending Engineer (H) Cannanore also on 7-4-55 and 17-5-55 to kindly order sanctioning of my increments atleast with reference to the office copy of the pay bills. But nothing was heard from the office copy of the pay bills. But nothing was heard from the Superintending Engineer (H) as well. On account of all this abnormal delay in refixing my pay the Divisional Engineer (H) precluded from sanctioning the increment due to me from 28-4-53, and applying for gratuity within the time allowed by rules. It is my sheer misfortune that I should retire from service with a large amount of increment in arrears and without the gratuity due to me. The plight of a Government servant under these circumstances may well be imagined that expressed.

As a last resort, with just a week before my retirement, I appeal to Government to be graciously pleased to pass early orders on the following humble requests of mine.

(i) To direct the Chief Engineer (H) to refix my pay and transmit my service register to the Divisional Engr. (H) Mangalore without any further delay.

(ii) To order the Divisional Engineer (H) to see that the increment due to me from 28-4-53 is sanctioned and arrears of increment paid expeditiously.

(iii) That the gratuity due to me is caused to be paid without delay, and

(iv) To sanction an advance of Rs.500/- atleast within a fortnight from the date of my retirement so that I may clear off my debts, as it will take a long time, even after receipt of my service Register by the Divisional Engineer (H) to sanction the increment and prepare the gratuity application for submission to Government through the Heds-e Heads of Department.

Copy with enclosures submitted to the Secretary to Government P.W.D. direct to save delay.

Copy submitted to the Chief Engineer (Highways) Madras in advance.

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/True copy/

Copy of letter dated 4-2-1955. From M. Kanthappa, Upper Divison Clerk, Divisional Engineering Office, Mangalore. To The Chief Engineer, Highway, Be Chepauk, Madras. Through the proper channel.

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Sub: Establishment - Highways , Department - Sri M. Knathappa officiating Upper Divison Clerk - fixation of pay and drawal of increment prayed for.

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In G.O.No. 4415 dated 30th November, 1950, communicated in Chief Engineer's (H) Memo. No.22445-N4-50-H.P dated 27-12-50, Government directed that such of the Lower Divison Clerks who entered the District Board Service and who were completed S.S.L.C. holders prior to the issue of the G.O.No.965 Public dated 16-11-26 be treated as qualified men and considered eligible for promotion to posts of Upper Divison clerks in the Highways Department and ordered that it will have retrospective effect from 1-4-1946 the date of formation of the Highways Department.

In G.O.No.2580 dated 20-6-1951 communicated in C.E's (H) Memo 10948/N4/51-2 dated 9-7-51 the Govefnment directed that such of the Lower Division clerks who are completed S.S.L.C. holders prior to the issue of the G.O.,No.956 Publid dated 16-11-26 and who entered taluk service, who were subsequently taken over the District Board service before they are obsorbed into the Highways Department should be deemed to be District Board employees and shall be eligible for the concessions granted in G.O.No.4415 Public Works dated 30-11-50.

As per the above two Government orders my case was considered for promotion as Upper Division Clerk and I was promoted as Upper Division clerk by the Superintending Engineer (H) Coimbatore Circle, Coimbatore. My appointment also was regularised as Upper Divison Clerk by Superintending Engineer (H) Coimbatore. My pay as Upper Divison clerk has not been fixed and increments due to me also have not been sanctioned so far. I understand that the matter has been referred to the Chief Engineer (H) foo orders and so far no orders have been recieved. I beg to submit that it is over 2 years that the matter is pending with Chief Engineer for final orders.

In this connection, I beg to submit that if the increments are not sanctioned and drawn on the due dates after fixing the pay it may not be possible to draw the arrears as it will not be permissible under the existing orders of the Government, and sanction of the Government have to be sought for, for claiming and disburding the arrears due to me. It is only four months for me to retire from the service. I have also to get the gratuity from the Government which also cannot be settled without the service Register and other particulars required. The gratuity application according to rules have to be sent before six months from the date of retirement and it is already due.

I am a large family man of 9 children and have to support myself and have no other means. If I get good lumpsum it will be a great boon and help to me and my family in these hard days.

In the circumstances explained above, I pray that orders may kindly be issued early fixing my pay and the service register returned to the Divisional Engineer (H) Mangalore.

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/True copy/

Copy of letter dated 25-3-1955. To The Chief Engineer, Highways Depar Chepauk, Madras.5. Through/ The Proper channel.

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Sub: Establishment - Highways Department - Ministerial Sri M. Kanthappa U.D.C. - fixation of pay and payment of gratuity - return of service - register- requested.

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Further, to my representation dated 4-2-56 I am highly aggrieved to see that so far no orders have been received from the Chief Engineer (H) Madras on my representations.

In this connection I may be permitted to bring to the notice of the Chief Engineer (H) Madras once again that as per standing orders, I am to retire from service early in June 1955. I was a Dt. Board servant till 31-3-1946, and on the formation of Highways Department I was absorbed in Government service since 1-4-1946. As per rules in force, I am unfortunate to enjoy the benefits of pension, and I am only eligible for gratuity eugl to 9 months pay. Therefore, my gratuity application will have to be prepared tand submitted early for higher sanction for the drawal of the amount. The submission of application is only possible after the fixation of my pay from the date of promotion as U.D.C. I was promoted as U.D.C. from 28-4-1952 and my inital pay was fixed at Rs.80/- per month. Ever since I was promoted as U.D.C., I have hitherto been drawing only an initial pay of the post at Rs.80/- per month.

The Superintending Engineer (H) IV circle Coimbatore was pleased to regularise my service from the date of my promotion as U.D.C., but to my disappointment, no annual increment over my inital pay has not so far been sanctioned to me for want of my service register.

My service register was submitted to the Chief Engineer (H) Madras as far back as 1952 in connection with fixation of my pay at an earlier date etc.

The Chief Engineer (H) Has n not so far been pleased to pass any orders in my case and the service register has not also so far been returned to this office. Therefore, I request the benign Chief Engineer (H) Madras, to consider my case most sympathetically and to cause the return of my service register after passing early favourable final orders in the matters so as to enable me to draw my arrear claims and gratuity at least by the time of my retirement from service. In case the return of service register, and passing of final orders are further delayed, I may be permitted to bring to the kind notice of Chief Engineer (H) that after my retirement, there is nothing for me to fall back upon to maintain myself and my large family.

On kind consideration of the above facts if the Chief Engineer (H) is pleased to pass early orders in the matter, myself and my poor family shall ever remain grateful.

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/True copy/

Copy of petition dated 3-9-1955 From Sri M. Kanthappa, Retired Upper Division Clerk, Divisional Engineer's Office, Highways, Mangalore. To The Secretary to Government, Public Works Department, Fort St. George, Madras. Through the proper Channel.

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Sub: Establishment - Highways Department - District Board clerks - absobbed in the Highways Department Sri M.Kanthappa - fixation of pay - Retiring from serive - etc.,

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I beg to invite the kind attention of the Government to my humble petition dated 2-6-1955, and request for orders on the same.

2. I submit further that I was a Lower Division clerk of the District Board South Kanara up to 31-3-1946 and I was absorbed as a Lower Division Clerk in the Highways department of the Government from 1-4-1946. In pursuance of G.O.Ms.No.4415 dated 30-11-50, I was appointed as officiating Upper Divison Clerk with effect from 28-4-1952 and my appointment as Upper Division Clerk was regularised with effect from the date of appointment i.e., from 28-4-1952 and I am enclosing a copy of the same of favour of information of the Government. I was drawing the minimum of pay of the post of Rs.80/- from the date of my appointment as U.D.C. up to the date of my retirement from service from 7-6-55. I most humbly impress the Government that my pay has not been refixed till I retired from service and not even so far after that.

3. In this connection I beg to state that my service Register which was submitted to the Chief Engineer (H) Madras early in 1952 has not been received so far. As already explained above, I have a continous service of 9 completed years in the Highways Department from 1-4-46 to 6-6-55 and for want of my service Register my gratuity papers are also held up.

4. I am a retired subordinate of the Highways department with nothing to lean on and with 9 children to look after. As such my difficulties may please be considered. It is only on account of my unlimited difficulties, I am forced to submit this reminder petition. I therefore beg of the benign and popular Government to take necessary action in the matter and issue orders at their earliest to search for my service Register, refix my pay in the light of the Government orders referred to above and my appointment as Upper Division Clerk from 28-4-52 and for payment of my arrears after the sanctioning of arrear increments. Finally I beg that necessary instructions may please be issued to the authority concerned to take urgent action to foward my gratuity papers to Accountant General for sanction.

5. I am enclosing a copy of the G.O.Ms.No.4415 dated 30-11-50 for favour of kind perusal.

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/True copy/

Copy of Roc.No.B2/6327/52 dated 24-11-1952. Office of the Superintending Engineer (Highways) IV Circle, Coimbatore.

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Sub: ESTABLISHMENT - Highways Department - Ministerial District Board Clerks absorbed in the Highways Department and promoted to Upper Division - M/s P.Shiva Rao and M.Kanthappa - regularisation of appointment - Ordered.

Ref: C.E.'s (H) Memo. No.47374-N4/51-6 dated 3-10-1952 and This office Ref.C.No.B2/6327/52 dated 25-10-1952.

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Under Rule 30 (b) (i) of the General Rules for the Madras State and Subordinate Services, the appointments of M/s P.Shiva Rao and M.kanthap permanent Lower Division Clerks are regularised in the category of Upper Division Clerks with effect from 19-8-1948 F.N. and 28-4-1952 A.N. respectively, the dates of their first appointments to the posts of Upper Division.

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/True copy/

Copy of Government of Madras Public Works Department G.O.Ms.No. 4415 dated 30th November, 1950.

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Sub: Establishment - Highways Department - certain clerks of District Boards taken over as Lower Division clerks in Highways Department - Eligiblity for promotion as Upper Division clerks - orders.

Read: Memo.No.1306 M/49-6 dated 31-1-1950.
From Sri M.Raghavendra Rao, petition dated 4-5-1950.
From the Chief Engineer (H) No.2245/N4. 50-1 dated 28-8-50.
From the Chief Engineer (H) No.3694/N4. 50-1 dated 24-10-50.

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ORDER:

Under the rule published with public (Services) Department notification No.16 dt. the 26th January, 1950 at page 272 of Part I of the Fort St. George Gazette dated the 7th February, 1950. His Excellency the Governor of Madras hereby relaxes rule 31 of the Madras Ministerial service Rules in favour of the lower Division clerk of the District Boards taken over in a similar capacity in the Highways Department either on its formatio or on its reorganisation, and directs that such of the above District Board employees who entered District Board service and who were completed S.S.L.C. holders prior to the issue of G.O.No.965 Public, dated 16-11-26, be treated as qualified men and considered eligible for promotion to posts of Upper Division clerks in the Highways department.

The orders in para 1 above will have retrospective effect from 1-4-1946.

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/True copy/

List of clerks who became eligible for promotion to Upper Division consequent on the issue of the G.O.Ms.No.4415-PW dated 30-11-50.

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Name of clerk	Date of first appointment as Lower Division clerk	Remarks (date of appointment as U.D.C. retirement from service etc.)
1.	2.	3.
1. Sri M.Kanthappa	1-4-1924	Appointed as U.D.C. from 28-4-1952 appointed as U.D.C. from 19-8-48 to 18-3-49, 5-11-49 to 15-1560 22-4-50 to 19-6-50 and from 5-2-51
2. Sri P. Siva Rao	1-6-1921	
3. Sri G.Sivachidambaram Pillai	1-8-1915	Retired as L.D.C. on 8-8-52
4. Sri L.Suryanarayana Iyer	1-5-1920	Relinquished rights for promotion as U.D.C.
4.		
5. Sri D. Krishnamachari	12-4-1920	Retired as L.D.C. on 18-3-52
6. Sri P.N.Nagaswamy Iyer	26-7-1920	Relinquished rights for promotion as U.D.C.
7. Sri M.Sheik Hussain	23-5-1923	Appointed as U.D.C. from 18-7-52
8. Sri C.M.Sriramulu Naidu	22-12-1924	Retired as L.D.C. on 16-7-52
9. Sri K.S. Krishna Rao	4-7-1925	regularised as U.D.C. from 10-9-47
10. Sri N.C.Rajagopala Iyengar	7-10-1926	Relinquished rights for promotion as U.D.C.
11. Sri V.Narayana Iyer	29-7-1926	Promoted as U.D.C. from 16-1-53
12. Sri T.Sengamalam Pillai	1-11-1926	Promoted as U.D.C. from 16-1-53
13. Sri E.R.Purushothan	5-6-1919	appointed as regular U.D.C. from 3-3-47
14. Sri M.N. Adhinarayanaswamy Reddy	10-11-1925	Appointed as temporary U.D.C. from 1-6-46 to 17-4-50, 19-12-50 to 9-6-52 and from 8-8-52 AN (availed leave in the intervening breaks)
15. Sri A.G.Lakshmanaswamy Mudaliar	16-2-26	appointed as U.D.C. from 30-6-50 to 29-7-50 and from 26-7-52 FN
16. Sri C.G.Rangapathy	5-7-1928	appointed as U.D.C. from 1-6-46 to 2-6-50 and from 26-7-52.
17. Sri S.Narinarayana Mudaliar	7-6-1929	Appointed as U.D.C. from 1-6-46 to 23-2-47, 1-11-48 to 6-4-49, 22-4-49 to 21-9-50, 19-1-51 to 13-2-51, 20-3-51 to 16-6-51 and from 1-8-52
18. Sri M.Subramanyan	8-2-1920	Appointed as U.D.C. from 5-9-52
19. Sri T.Venkataramiah	5-3-1920	" " " from 1-6-46 to 16-2-47 and from 16-8-52.
20. Sri V.Abdul Waheed	10-10-1925	appointed as U.D.C. from 25-8-52.
21. Sri J.Gurjeehar	17-12-1925	" " 11-9-46 to 5-7-47 8-10-49 to 21-6-50 and from 1-8-52.

/True copy/

Copy of Letter No.47376-F2/51-15 dated 26-12-55. From The Chief Engineer (Highways), Chepauk, Madras-5. To The Secretary to Government, Public Works Department.

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Sub: Establishment - Highways Department - Ministerial - Fixation of pay and seniority of certain Upper Division clerks regarding.

Ref: Govt. P.W.D. Memo.No.47422-M/55-4 dated 9-12-55.

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1. The original petitions dated 2-6-1955 and 3-9-1955 of Sri M.Kanthappa, Upper Division clerk office of the Divisional Engineer (Highways) Mangalore are forwarded herewith with the following remarks:-

2. In G.O.Ms.No.4415 PW dated 30-11-55 Government have ordered that the District Board employees who entered service and who were completed S.S.L.C. holders prior to the issue of G.O.No.965 Public dated 16-11-26 be treated as qualified men and considered eligible for promotion oto posts of Upper Division clerks in the Highways Department with retrospective effect from 1-4-46.

3. Government have also ordered in their memo No.99619-M./52-2 dated 19-12-52 that Lower Division Clerks falling within the scope of G.O.Ms.No.4415 P.W. dated 30-11-50 and who were promoted as Upper Division Clerks under emergency provisions prior to 30-1150 may be regularised with retrospective effect from the date of their first appointment as Upper Division Clerks under emergency provisions, without any claim for arrears of pay prior to the date of order of regularisation of their appointment.

4. A list of clerks who became eligible oforpromotion to Upper Division consequent on the issue of the above G.O. is annexed.

Out of the 21 clerks mentioned in the list, items 3,4 & 8 retired from service as Lower Division clerks, items5,6 and 10 relinguished their rights for promotion as Upper Division clerks, items 16 & 17 do not come under the purview of the G.O.Ms.No.4415 P.W. dated 30-11-50, the dat s of their first appointment as Lower Division clerks being subsequent to 16-11-1926 and iems 18,19,20- and 21 have been alloteed to Andhra State, R garding item 7 (Sri M.Sheik Hussain) the Superintending Engineer (Highways) Tiruchirapalli has stated that the reports of this clerk are uniformly unsatisfactory and hence there is not case for relaxation of rule in his favour. The remaining cases to be considered for relaxatin of rules are only in respect of items 1,2,9,11,12,13,14 & 15 of the list enclosed.

5. The Superintending Engineer (Highways) of ex-Coimbatore circle has recommended the relaxation of rule 29 in favour of item 1 and 2 of the list enclosed for fixing their seniority over their juniors promoted on 1-4-46 subject to the condition that it will not affect the confirmatia of their juniors already ordered. The Superintending Engineer (Highways) of the former Tirchirapalli circle has recommended the relaxation of rule 29 in favour of Items 9,11,and 12 of the list for fixing their seniority from the dates 11-10-46, 25-7-46 and 12-10-46 respectively. In respect of the clerks, items 13,14 and 15 working in the divisions in Ex.Madras circle which was then under my charge now working in the division Chingleput and North Arcot, rules 29 in their favour may be relazed so as to fix their seniority with effect from 1-4-46.

6. Had the above G.O. been issued on 1-4-46 itself, these clerks would have been promoted from earlier dates. To boviate the hardships in a similar case (viz. Sri K.N. Sesha Iyengar, a District Board clerk absorbed in Highways Department who became eligible for promotion with reference to G.O.No.4019 P.W. dated 27-11-47 but actally promoted as

p.t.o.

Upper Division clerk from 1-3-48) Government permitted the fixation of his seniority in the category of Upper Division Clerk to his promotion without any claim for arrears of pay - vide G.O.No.2469 P.W. dated 26-6-50. In view of the orders issued in the case of Sri K.N.Shesha Iyengar, I request Government to consider the cases of the 8 clerks (items 1,2,7, 11,12,13,14 and 15 of the list enclosed) and to relax rule 29 in their favour and to issue orders for fixing their seniority in the category of Upper Division Clerks from the dates specified in para 5 above.

7. As the delay in submitting the proposals is for no fault of the subordinates and as it would be meeting justice only if they are allowed to draw arrears that they would have drawn normally. I also request Government to permit the drawal of arrears at least with effect from 1-10-53, the date of formation of Andhra State. Otherwise the relaxation will have not effect in respect of Sri M.Kanthappa since retired and Sri. P. Shiva Rao since expired.

Early orders may please be issued in the matter.

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/True copy/

Copy of T.M.No.47822 M/55-5 dated 21-1-56. Public Works Department To The Chief Engineer (Highways).

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Sub: Establishment Head Highways Department - Ministerial Fixation of pay and seniority of certain U.D.Cs.

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Ref: your letter No.47374 F2/51-15 dated 26-12-1955.

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It is presumed that the rule to be relaxed in favour of Sri Kanthappa and other Upper Division Clerks of the Highways Department referred to in para 5 of your letter cited is rule 35 of the General Rules for the Madras State and Subordinate Services and no rule 29. Please say whether the presumption is correct.

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/True copy/

Copy of Telephonic Message No.47374 F2/51-19 dated 6-2-1956. From the Chief Engineer (Highways) Chepauk, Madras.5 To The Secretary to Government, Public Works Department, Madras.

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Sub: Establishment - Highways Department - Ministerial - Fixation of pay and Seniority of certain U.D.Cs.-reg.

Ref: Your T.M.No.Nil dated 31-1-56.

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The rule referred to as 29 in this Office letter No.47374 F2/51-15 dated 26-12-55 is as per the service Manual of 1946 edition. As per the Service Manual of 1954 edition the rule to be released is rule 35 of the General Rules of the State and Subordinate Service Rules. The presumption of Government is therefore correct.

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// True copy //

Copy of Memo. No.47422 -M/55-7 dated 16-3-1956 Public Works Department.

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Sub: Establishment - Highways Department - Clerks absorbed in Highways Department - Sri M.Kanthappa - Upper division clerk - D.E.(H)'s office, Mangalore - R.fixation of pay.

Ref: From the C.E.(H), No.47374-F2/51-15 dated 26-12-55.
From the C.E.(H), P.C. of T.M.47374-F2/51-19 dated 6-2-1956.

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In para 3 of the petition dated 2.6.55 from Sri Kanthappa, it is stated that he was promoted as upper division clerk in the Highways Department with effect from 28.4.52 and that his appointment in the category of upper division clerk was regularised by the S.E.(H). Coimbatore, with effect from the date of his promotion. It is not clear why the increments legitimately due to Sri Kanthappa on and after 28.4.53 were not sanctioned till his retirement. The C.E. is requested to clarify the position.

2. In para 6 of his letter cited the C.E. has requested the Govt. to relax rule 35 of the General Rules for the Madras State and subordinate Services in favour of 8 clerks and to issue orders refixing their seniority. Now that Sri Kanthappa (item 1 in the list) has retired from service and Sri Shiva Rao (item 2 in the list) is dead it is not clear what purpose will be served in relaxing the rules intheir favour. The Chief Engineer is required to classify this point also.

3. The Chief Engineer is also requested to offer his remarks on each of the four requests of the petitioner mentioned in para 6 of his petition.

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/True copy/

Copy of Letter No.47374 F2/51-26 dated 14-8-56. From Chief Engineer (Highways) Chepauck, Madras.5 To The Secretary to Government, Public Works Department, Fort St, George, Madras.9.

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Sub: ESTABLISHMENT - Highways Department - Clerks absorbed in Highways Department - Sri M. Kanthappa - Retired Upper Division Clerk - Office of the Divisional Engineer, Mangalore - Refixation of pay - Regarding.

Ref: Govt. P.W.D. Memo.No.47422 M/55-8 d/18-7-56.

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Regarding the report called for in Government Memo No.47422 M/55-7 P.W. dated 16-3-56 the matter has been referred to the Superintending Engineer, (Highways) West Coast Circle and his final reply is awaited. A report in this regard will be sent to Government on receipt of Superintending Engineer's (Highways)'s Final reply.

2. As regard the request of Sri M. Kanthappa in his petition dated 10-4-56, Govt. have already been addressed for relaxing rule 29 in favour eight clerks including sri M.Kanthappa for fixing their seniority over their juniors promoted on 1-4-46 and to allow them to draw arrears that they would have drawn normally. Vide this office letter No.47374 F2/51-15 d/26-12-55. Pending receipt of orders of Govt. in the matter no action could be taken on the petition dated 10-4-56 of Sri M. Kanthappa. The petition dated 25-4-56 relating to the question of sanction of pension to Sri Kanthappa has been forwarded to Govt. with this office Endt. No. 25230 F1/56-1 dated 6-6-1956. The copy of petition dated 13-7-56 stated to have been sent to this office does not appear to have been received. I request that a copy of the petition may please be furnished if there is any action to be taken on that.

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/True copy

Copy of Letter No.47374 F2/51-28, dated 15-9-56. From the Chief Engineer, (Highways) Chepauk, Madras.5 To the Secretary to Government, Public Works Department, Fort St. George, Madras.9.

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Sub: Establishments - Highways Department - clerks absorbed in Highways Department - Sri M.Kanthappa, Retired U.D.C. D.E.'s (H) Office. Mangalore - Refixation pay - reg.

Ref: Govt. Memo. No.47422 M/55-7, dated 16-3-56 and Memo. No.47422 M/55-9, dated 30-8-56

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The question of relaxing rule 35 of the General Rules for State and subordinate services in favour of all the District Boards clerks absorbed in the Highways Department including Sri M. Kanthappa who became eligible for promotion with retrospective effect from 1-4-46 consequent on the orders issued in G.O.Ms.No.4415 P.W., dated 30-11-50 was under correspondence with the Superintending Engineers (H) and consideration in this office till the end of December 55 - The service Book of Sri M.Kanthappa received in this office on 24-11-52 was required till them. It was returned to the Superintending Engineer (H) Cannanore in this office Memo No.47347 F2/51-16 dated 23-12-55 after addressing Government in the matter in this office letter No.47374 F2/51-15 dated 26-12-55. The Divisional Engineer (H) could not sanction the increments due the retired clerk ~~were duly~~ for want of the service Book. It is reported that the increments due to the retired clerk were duly sanctioned by the Divisional Engineer (H) after receipt of the service Book sanctioned by the Divisional Engineer (H) after receipt of the service Book and the arrears of incremental pay were drawn and disbursed on 20-1-56.

With reference to para 2 of the Government Memo. cited attention it invited to para 7 of this office letter No.47374 F2/51-15 dated 26-12-55 By relaxing the rules the pay of the two clerks will be refixed and they will have the benefit of drawing the arrears that they would have drawn normally, which could be of some financial help to them and their family in these hard pressing days.

Regarding the requested 1 & 2 of the petitions the service Book of the clerk has been returned to the Divisional Engineer (H) and the increments due to him from 28-4-1953 have been sanctioned and the arrears disbursed to him in January '56. The question of refixing his pay can be decided only after receipt of orders of Government on this office letter No.47374 F2/51-15, dated 26-12-55.

Regarding the requestes (iii) & (iv) of the petitions and the remarks called for on the petition dated 13-7-56 in Government memo second cited, I have to state that the retired clerk opted to come under the pendion scheme and his name has been included in the list of persons who are to be granted pension, submitted to Government with this officer letter No.2493 F1/52-49, dated 13-9-56, and hence the payment of gratituity can be decided only on receipt of final orders of the Government. The petition dated 24-5-56 regarding this question has been forwarded to Government in the this office Endorsement No.25230 F1/56-1, dated 6-6-56, and a reply to the petition sent in the office letter No.31924 F1/56-HR, dated 6-9-56 stating that his name ~~has~~ has been included in the list of persons who are to be granted ~~are~~ pension and that his case will be considered when final orders of Government are received. Since the increments due to him were sanctioned and arrears disbursed, the question of sanctioning the advance of Rs.500/- requested by the petitioner needs no consideration.

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Sub: Establishment - Highways Department - Ministerial Fixation of pay and seniority of certain upper division clerks - Sri Kanthappa - Relaxation of relevant rules.

Ref: From Sri M.Kanthappa, U.D.C., Office of the D.E.(H), Mangalore, petition dated 2-6-1955.
From Sri M.Kanthappa, petition dated 3.9-1955.
From the C.E.(H), Lr.No.47374-F2/51-15 dated 26-12-1955.
From the P.C.of T.M.No.47374 F2/51-159 dated 6-2-1956..

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The file relates to a petition for fixation of pay etc. from Sri Kanthappa, retired upper division clerks, Office of the D.E.(H), Mangalore, Sri Kanthappa, a permanent lower division clerks of the South Kanara Dt.Bd. was absorbed as Lower Division Clerks in the Highways Department with effect from 1.4.1946. In his petition, Sri Kanthappa has represented -

(1) that his pay may be refixed with reference to the orders passed in G.O.Ms.No.4415 Public Works dated 30-11-1950-

(2) that the increments due to him from 28.4.1953 may be sanctioned and the arrears of increments paid to him.

(3) that the gratuity due to him may be paid without delay and;

(4) that a sum of Rs.500/- at least may be sanctioned to him within a fortnight from the date of his retirement, so that he can clear off his debts.

2. In G.O.Ms.No.4415 P.W. dated 30-11-50, Govt. ordered that the Dt. Bd. employees absorbed in the Highways Department, who were completed S.S.L.C. holders prior to the issue of G.O.No.965 Public dated 16-11-26, be treated as qualified men and considered eligible for promotion to the posts of upper division clerks in the Highways Department with retrospective effect from 1.4.1946. It was subsequently ordered that Lower Division Clerks falling within the scope of G.O.Ms. No.4415 P.W. dated 30-11-50, and who were promoted as Upper Division Clerks under emergency provisions prior to 30-11-50 might be promoted to the Upper Division clerk under emergency provisions without claim for arrears of pay prior to the date of the order or regularisation of their appointment Sri Kanthappa is one of the clerks eligible for the benefit given in the G.O. dated 30-11-50.

3. In forwarding the application of Sri Kanthappa the Chief Engineer (Highways) has not confined his remarks to his case alone. The Chief Engineer has forwarded a list of 21 persons who became eligible for promotion as Upper Division Clerks consequent on the orders issued in the G.Os. referred to in para 2 above. Out of these 21 clerks, the Chief Engineer (Highways) has requested relaxation of rule 35 of the State and subordinate Service Rules in favour of 8 candidates (vide separate list put up at M on the analogy of orders issued in G.O.2469 P.W. dated 26-6-50 for fixing their seniority over their juniors promoted on 1.4.1946, subject to the condition that it would not affect the confirmation of their juniors already ordered.

The Chief Engineer has also stated that as the delay in submitting the proposals is for no fault of the subordinates and as it would be meeting justice only if they are allowed to draw arrears of pay that would have been drawn normally, the Government may permit the drawal

p.t.o.

of arrears of pay at least with effect from 1.10-53, the date of formation of the Andhra State, so that this relaxation will be of some use to Sri Kanthappa, since retired and Sri P.Shiva Rao, since expired.

The proposals of the Chief Engineer may be accepted in so far as they relate to the persons except Sri Kanthappa and Sri Shiva Rao, items 1 and 2 in the list at M.

4. It appears that the Chief Engineer could have dealt with the case of Sri Kanthappa individually instead of linking it up with the case of 20 others, especially as his services were already regularised and as he was due to retire on 7-6-55. Now that Sri Kanthappa has retired from service and Sri Shiva Rao has expired, it is not clear what purpose will be served in relaxing the rules in their favour for fixation of seniority. The Chief Engineer may be asked to clarify this point. He may also be asked to state why the increments legitimately due to Sri Kanthappa on and after 28-4-1953 were not sanctioned till his retirement and to offer his specific remarks on each of the four requests of the petitioner.

5 A draft memo is submitted. Public (Services) and Finance may see before issue.

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PUBLIC (SERVICES) DEPARTMENT.

The note of Public Works from p.1 ante and the draft Memo below may be perused and the file passed on to Finance.

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FINANCE (C.S.R.)

The notes on pp.(1-3) above and the draft memo below may be perused and the file returned to P.W.D.

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P.W.(R2)

The notes of Public (Service) and Finance on pp.3-4 above may be perused. The draft memo below may now issue.

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/True copy/